

**REGULAR MEETING, September 17, 2007**

The Regular Session of the Deadwood City Commission convened on September 17, 2007, at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Toscana called the meeting to order with the following members present: Department Heads and Commissioners Nyla Griffith, Mike Klamm, Mark Speirs and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Griffith moved, Silvernail seconded, to approve the minutes of September 10, 2007 with a correction to the item "Citizens Not on Agenda" pertaining to the right-of way between the City of Deadwood and Black Hills Power. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Speirs seconded, to approve the September 17, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	STAPLES FOR COPIER	10.00
A & B WELDING	CANISTER RENTAL AGREEMENT/5 YR	22.00
ABC	ARCHIVE SUPPLIES- TABLES	470.58
ADAMS MUSEUM	ADAMS MUSEUM OPERATING	12,535.04
ALEX HAMANN	REIMBURSEMENT-NFPA-ED MATERIAL	413.85
BEN HUMPHREY	CENTURY ROOM	700.00
BIRDSALL SAND & GRAVEL	CONCRETE/GORDON PARK	212.44
BLACK HILLS DIGITAL MAP	REGISTRATION FEES	90.00
BLACK HILLS ELEVATOR	MONTHLY SERVICE FEE-RAMP	101.02
BLACK HILLS POWER & LIGHT	ELECTRICITY/FIRE DEPT. SIREN	30.93
BLACK HILLS PURE, INC.	COOLER RENTAL	20.00
BLACK HILLS WEEKLY GROUP	NOTICE LIQUOR/MALT BEV TRANSFE	619.60
BLACK HILLS WINDSHIELD	ROCK CHIP REPAIR-'07 DURANGO	80.00
BLUE DOG FRAMERS	WILD BILL EXHIBIT	48.00
CAMPBELL SUPPLY	DRAWBAR	27.99
CHICAGO ALBUMEN WORKS	GLASS PLATE NEGATIVES	15,500.00
CHRIS SUPPLY	115VAC, 15 AMP OUTLET	8.09
CITY OF LEAD	2007 OUTSIDE OF DW GRANT	9,925.00
CRETEX CONCRETE	ADJUSTABLE RINGS	111.00
CROTTY, GREG	SAFETY REIMBURSEMENT	61.33
CULLIGAN	HOT/COLD RENTAL/PARKS	96.00
DEADWOOD CHAMBER	BILL LIST	85,420.00
DEADWOOD GRANITE	HEADSTONE GRANT - WONG	450.00
DEMCO, INC.	OFFICE SUPPLIES	67.45
ELAN FINANCIAL SERVICES	AMAZON - GIS	209.55
EMERY-PRATT COMPANY	BOOKS	276.37
ENERGY ELECTRIC COMPANY	REPAIR SIGNAL/MAIN STREET	165.44
ESRI	GIS UPGRADE & 3D ANALYST	6,492.32
FARMER BROTHERS CO	OFFICE SUPPLIES	38.58
FASTENAL COMPANY	HAMMERDRILL/KIT	334.97
FIRST MIDWEST BANK	OCTOBER PAYMENT/PW COPIER	92.90
FOX, TERESA	NEWSPAPER INDEXING OCT 1898	1,500.00
GAYLORD BROS.	ARCHIVE SUPPLIES	264.95
GOLDEN WEST TECHNOLOGIES,	LABOR TELEPHONE	401.50
GOOD HOUSEKEEPING	SUBSCRIPTION RENEWAL	19.97
GRACE INDUSTRIES, INC	REPAIRS GEM RECEIVER	90.87
HCW, INC.	CARRIAGE COLLECTION	4,244.68
INTERACTIVE COMPUTER	ANNUAL SOFTWARE MAINTENANCE	8,348.00
INTERSTATE BATTERIES	INTERSTATE BATTERIES	188.75
J.P. TOWING	DEAD STORAGE PAVILLION	75.00
JACOBS PRECISION WELDING	1/4" X 3" X 5' FB	95.00
KEN HAWKI	REIMBURSEMENT- MENARDS-SUPPLIE	61.40
KEVIN KUCHENBECKER	PER DIEM - MITCHELL	98.01
LANCE ENGINEERING	ENGINEERING /CITY HALL ROOF	2,567.85
LAWRENCE COUNTY REGISTER	FILING FEE - 29 ADAMS	68.00
LAWSON PRODUCTS, INC.	CARBIDE BURS/HIST. LIGHT POLES	672.90
MATTSON, JON	FACILITATOR FEES AUGUST, 07	427.50
MIDWEST TAPE	DVD'S	625.82
MOBILE ELECTRONIC SERVICE	SHOP SUPPLIES	150.00
MOLLY CORPORATION	F11008; MF - 2224 30/YELLOW	343.80
MONTANA DAKOTA UTILITIES	AUGUST UTILITIES - LIBRARY	22.65
NATIONAL TRUST	PRESERVATION BOOKS	400.00
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	18.00
PITNEY BOWES INC	POSTAGE METER REFILL	500.00
PRAIRIE WAVE	MONTHLY PHONE CHARGES	369.95
RAPID CITY JOURNAL	YEARLY SUBSCRIPTION	180.00
RCS CONSTRUCTION	RET. WALL GRANT DISB- 308 WILL	65,263.49
SCHMIDT CONSTRUCTION	COMPLETE CARNEY STREET WALL	1,113.00
SD DEPARTMENT OF REVENUE	ON/OFF SALE MALT BEV. TRANSFER	75.00
SDN COMMUNICATIONS	TWO WAY COMMUNICATION LINE	346.80
SERVALL	MOP-TOWELS-BAG/LIBRARY	974.42
SOUTH DAKOTA MUNICIPAL	ANNUAL CONFERENCE OCT. 3-5	225.00
SOUTH SIDE SERVICE	PREMIUM GAS/ALL DEPARTMENTS	13,824.61
STATELINE NO. 7	HARC BUILDING PROJECT	8,792.70
SUMMIT SIGNS	12x18x063 SIGNS; 18" STOP/SLOW	138.50
SUNSHINE INC	TROLLEY TOW CHARGE	500.00
THOMSON WEST	WEST INFORMATION CHARGES	144.90
THUNDERING HERD CORP.	MICKELSON TRAIL PROJECT	41,108.00
TRIPLE K TIRE & REPAIR	OIL INT BRAKE FLUID, LABOR,	522.50
TWIN CITY HARDWARE	ARCHIVE SUPPLIES	978.04
UNITED BUILDING CENTERS	(14) 2X6-20' GREY TREX/MM HOUS	1,113.00

**TOTAL** \$ 291,485.01

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### PUBLIC HEARINGS/BID OPENINGS

#### Hold Public Hearing

Zoning Administrator Bernie Williams requested the public hearing for the vacation of portions of Charles Street be continued to the September 24, 2007 meeting. Silvernail moved, Speirs seconded, to continue public hearing. Roll Call: Aye – All. Motion carried.

#### Request from Deadwood Chamber

Speirs moved, Silvernail seconded, to allow the Deadwood Chamber to sell wine and beer at the Deadwood Pavilion on September 23, 2007 for a concert. Roll Call: Aye – All. Motion carried.

#### Hold Public Hearing – Oktoberfest

Griffith moved, Silvernail seconded, to allow street closures from Deadwood to Wall Street from noon to 6:00 p.m. on September 29, 2007 for Oktoberfest. Roll Call: Aye – All. Motion carried.

Klamm moved, Speirs seconded, to allow the relaxation of the open container ordinance on Saturday, September 29, 2007 from noon to 6:00 p.m. from the Four Aces to the Masonic Temple for Oktoberfest. Roll Call: Aye – All. Motion carried.

#### Hold Public Hearing - Homecoming

Silvernail moved, Klamm seconded, to allow the closure of Main Street from the Four Aces to Upper Main during the Homecoming Parade on September 28, 2007 beginning at 2 p.m. until parade ends. Roll Call: Aye – All. Motion carried.

#### Set Public Hearing

Speirs moved, Silvernail seconded, to set a public hearing on October 1, 2007 at 5:10 p.m. for convention center liquor license transfer from Full House, Inc. to Gold Dust Lodging Group LLC dba Holiday Inn Express Hotel and Suites located at 22 Lee Street. Roll Call: Aye - All. Motion carried.

### FINANCE/HISTORIC PRESERVATION

#### Engineering – Mickelson Trail Lighting Project (Continued 9-4-2007)

Historic Preservation Officer Kevin Kuchenbecker said they would advertise this project as a Design-Build.

#### Wage Increase

Toscana moved, Speirs seconded, to approve the wage increase for Rob Mattox from \$12.38 to \$13.06 effective September 13, 2007 after completion of one year of service (95% of prevailing wage.) Roll Call: Aye - All. Motion carried.

#### Employee Travel

Toscana moved, Silvernail seconded, to allow Mary Jo Nelson to travel to Oacoma to attend the Municipal League meeting pertaining to liquor licensing on September 26, 2007 and requesting use of City vehicle. Roll Call: Aye - All. Motion carried.

#### Employee Resignation

Toscana moved, Silvernail seconded, to accept with regret the resignation of Heather Pleinis, Deputy Finance Officer, and effective September 26, 2007. Roll Call: Aye - All. Motion carried.

#### Advertise Job Opening

Silvernail moved, Speirs seconded, to allow the Finance Office to advertise in-house for five days for a Deputy Finance Officer. Roll Call: Aye - All. Motion carried.

#### Payment Request - SDPAA

Speirs moved, Silvernail seconded, to allow the Finance Office to pay South Dakota Public Assurance Alliance \$3,622.97 for commercial property coverage on 124 Sherman Street. Roll Call: Aye - All. Motion carried. Commissioner Speirs asked if the Lessee of 124 Sherman Street is required to provide additional coverage, or is the City providing sole coverage. Finance Officer Mary Jo Nelson explained she added this property to the City's insurance coverage once the City acquired the building. After discussing insurance coverage, City Attorney Jason Campbell requested this item be continued to research this matter further. Speirs moved, Silvernail seconded,

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to rescind the motion for the payment request to the SDPAA. Speirs moved, Silvernail seconded, to continue this item to the September 24, 2007 meeting. Roll Call: Aye – All. Motion carried.

### Request for Proposals for Design Guidelines

Silvernail moved, Speirs seconded, to allow Historic Preservation to issue a Request for Proposals for professional services to develop Design Guidelines for the City of Deadwood that address each of the nineteen (19) historic overlay zones for historic and new construction purposes. To be paid from Public Education line item. Roll Call: Aye - All. Motion carried.

### St. Ambrose Cemetery Preservation Plan

Silvernail moved, Speirs seconded, to approve the entering into a contract with Dream Design International to develop a preservation plan for the St. Ambrose Cemetery at a cost of \$70,340 and to be paid from bonded funds. Roll Call: Aye - All. Motion carried.

### Firewise Grants

Silvernail moved, Klamm seconded, to allow the Fire Department to submit a Firewise grant application, match to be paid from General Fund and Historic Preservation funds. Roll Call: Aye - All. Motion carried.

## STREETS/WATER

### Ordinance #1087 – Second Reading

Jim Raysor Public Works Director had proposed to increase the late fees for utility bills from \$2.50 to \$4.00 or 7% of the unpaid balance. After researching and discussing the late fees, a recommendation was made to increase the new late fee to a flat fee of 10% of the unpaid balance of a delinquent account and shall compound each month thereafter if not paid. Speirs moved, Silvernail seconded, to approve second reading of Ordinance #1087 - Amending Section 13.12 Late fees for Utility Billing. Roll Call: Aye – All. Motion carried.

### Discussion – Increase Turn On/Off Fees (Continued 9-10-2007)

Jim Raysor Public Works Director explained that the current turn on/off fee is \$25.00. Due to the number of properties that turn the water off and sit vacant, no minimum monthly fees are collected. The City continues to have costs associated with infrastructure, maintenance of the operating systems and salaries. Raysor proposed to increase the turn on/off fee to \$100.00 providing the water service be turned off for sixty-(60) days or longer. Raysor said this would not include residents that have seasonal taps. Speirs moved, Silvernail seconded, to approve first reading of Ordinance #1089 to increase the turn on/off fee to \$100.00. Roll Call: Aye – All. Motion carried.

### Purchase Request

Speirs moved, Silvernail seconded, to allow the Street Department to purchase one load of salt, one load of de-icer, and 13 loads of sanding fines at a total cost of \$1,876.00. Roll Call: Aye - All. Motion carried.

## POLICE/FIRE

### Wage Increase

Klamm moved, Silvernail seconded, to approve the wage increase for Kristie Schumacher from \$10.00 to \$10.50 effective September 19, 2007 after completion of two years of service as a Reserve Officer. Roll Call: Aye - All. Motion carried.

### Ordinance #1089 – First Reading

Chief Fuller explained the reason for amending this ordinance is to try to reduce the amount of illegal parking and add to public safety in Deadwood. Fuller said during the 2007 Rally they experienced illegal parking especially near fire hydrants and requested these areas be painted red and signs placed in these restricted areas. Klamm moved, Speirs seconded, to approve first reading of Ordinance #1089 Amending Section 10.12 Standing, Stopping, or Parking. Roll Call: Aye - All. Motion carried.

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**PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY**

**Wage Increase**

Silvernail moved, Speirs seconded, to approve the wage increase for Donna Quenzer (Public Buildings Cleaning Staff) from \$8.00 to \$8.50 effective September 14, 2007 after completion of one year of service. Roll Call: Aye - All. Motion carried.

**LEGAL BUSINESS**

**Assignment of Lease**

Silvernail moved, Speirs seconded, to allow the Mayor to sign the Assignment of Lease between Decker's Food Center and the City of Deadwood regarding parking at the Baptist Church. Roll Call: Aye - All. Motion carried.

**Resolution 2007-15**

Silvernail moved, Speirs seconded, to approve Resolution 2007-15 Temporarily Lift Burn Ban of Resolution 2007-11 for the limited purposes of Homecoming activities in the City of Deadwood. Roll Call: Aye - All. Motion carried.

RESOLUTION 2007-15  
RESOLUTION TO TEMPORARILY LIFT BURN BAN OF RESOLUTION  
2007-11 FOR THE LIMITED PURPOSE OF HOMECOMING ACTIVITIES IN THE CITY  
OF DEADWOOD

WHEREAS, the Deadwood City Commission is charged with protecting the health and safety of the citizens of the City of Deadwood, including all property situated therein; and  
WHEREAS, the Deadwood City Commission has consulted with local fire officials and emergency management officials concerning the ability for the Lead-Deadwood High School to conduct a bonfire on September 28, 2007, for homecoming festivities despite the threat posed by wildfires;  
and

WHEREAS, local fire officials have determined that, if conducted under local fire officials direct supervision, a homecoming bonfire can be accomplished on the above date without posing a threat of wildfires in the City of Deadwood, including property situated therein; and  
WHEREAS, the Deadwood City Commission has deemed it appropriate to lift the necessary controls currently in place which reduce the threat posed to the citizens and property of the City of Deadwood by wildfires, for the sole purpose of allowing the Lead-Deadwood High School to conduct a bonfire on September 28, 2007, for homecoming festivities under the direct supervision of local fire officials, now, therefore,

BE IT RESOLVED, that pursuant to SDCL 9-19-3, the Deadwood City Commission does hereby enact this resolution, effective only for September 28, 2007, and temporarily lift the imposition of a ban to prohibit or restrict open burning, under Resolution 2007-11, for the sole purpose of allowing the Lead-Deadwood High School to conduct a bonfire for homecoming festivities under the direct supervision of local fire officials; and

IT IS FURTHER RESOLVED, that the prohibited activities enumerated in Resolution 2007-11 shall otherwise remain in full force and effect, except as modified herein.

Date: September 17, 2007

City of Deadwood  
/s/ Francis A. Toscana, Mayor

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

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**ITEMS FROM CITIZENS NOT ON AGENDA**

**Deadwood Alive**

David Soma, representing Deadwood Alive, appeared to express his thanks to the City of Deadwood Safety Committee, City Commission, Historic Preservation Commission, and all City departments who helped and supported the Deadwood Alive events throughout the summer. Soma added the season was very safe and successful and they look forward to next year.

**Deadwood Jam**

Mel Dennis, Deadwood Jam Board Member, presented Jam t-shirts to the Commission and thanked everyone for their help and support with the 2007 Deadwood Jam.

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Use of Trolley

Kelly Ruth, Lead-Deadwood Elementary School, requested the use of a trolley for the elementary students to participate in the Homecoming parade on September 28, 2007. Silvernail moved, Speirs seconded, to allow the use of a trolley for the Homecoming parade. Roll Call: Aye - All. Motion carried.

Williams Street Resident

David Thompson informed the Commission that he would be requesting permission from the Historic Preservation Commission to place a garage on his property located at 80 Williams Street. However, Thompson is concerned about the location of the property line due to a survey that was conducted two to three years ago and according to this survey all the area residents lost four feet on their property line. Zoning Administrator Bernie Williams said that the location of Gott Street has been discussed in the past and added that it is not in the correct location. Mayor Toscana asked if Gott Street could be replatted and Ms. Williams replied yes, but all residents affected by the replat would be required to sign off on the replat. Much discussion was held regarding the location of the street, property lines, safety issues with retaining walls, and possibly resurveying this street. City Attorney Jason Campbell will research further action regarding these street issues.

ADJOURNMENT

Speirs moved, Silvernail seconded, to adjourn the regular session at 6:00 p.m. The next regular meeting will be at 5:00 p.m. on Monday, September 24, 2007.

ATTEST:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Mary Jo Nelson, Finance Officer

BY: \_\_\_\_\_  
Francis A. Toscana, Mayor